

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SAM WISE et al.,

Plaintiffs,

v.

JONATHAN T ESKOW et al.,

Defendants.

CASE NO. 3:22-cv-05033-DGE

ORDER TO SHOW CAUSE

This matter comes before the Court on review of the court record. On June 27, 2022, Plaintiff German Wise Dental, LLC notified the Court that it had filed a voluntary petition for bankruptcy. (Dkt. No. 33.) According to the parties' most recent status report (Dkt. No. 35), Plaintiff filed for Chapter 7 bankruptcy. (Dkt. No. 35.) On October 4, 2022, the parties filed a Joint Stipulated Motion and Agreed Order to Continue to Trial and requested that this Court continue the trial date, currently scheduled for May 22, 2023. (Dkt. No. 36 at 3.) On October 12, 2022, the parties filed a Joint Stipulated Motion and Order to Substitute Don Thacker, Bankruptcy Trustee as Party Plaintiff in Place of German Wise Dental, LLC. (Dkt. No. 38.)

1 11 U.S.C. § 362(a)(1) provides that the filing of a bankruptcy petition automatically stays
2 the commencement or continuation, including the issuance or employment of
3 process, of a judicial, administrative, or other action or proceeding against the
4 debtor that was or could have been commenced before the commencement of the
case under this title, or to recover a claim against the debtor that arose before the
commencement of the case under this title.

5 11 U.S.C. § 362(a)(1). The Ninth Circuit has held that the language of the statute is
6 “unambiguous. The plain language of § 362(a)(1) prohibits the continuation of judicial actions.”
7 *Eskanos & Adler, P.C. v. Leetien*, 309 F.3d 1210, 1214 (9th Cir. 2002). The United States
8 Bankruptcy Code, and applicable precedent from the Ninth Circuit, both appear to require an
9 automatic stay of any further proceedings in this case.

10 Accordingly, Plaintiff shall, no later than October 28, 2022, show cause why further
11 proceedings in this matter should not be stayed pending the resolution of Plaintiff’s bankruptcy
12 petition.

13 Dated this 14th day of October, 2022.

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David G. Estudillo
United States District Judge
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